

End of Year Report



Wisconsin Department of Natural Resources's s.128(a) Grant Accomplishments

*Covering Time Periods:
September 1, 2004 - August 31, 2005*

Introduction

The state of Wisconsin was awarded EPA, Section 128(a) funds, beginning September 1, 2003, to assist in the development and enhancement of its state response program. This federal grant is used to support federal and state programs under the jurisdiction of the Wisconsin Department of Natural Resources (WDNR) Remediation and Redevelopment (RR) program including:

- high-priority leaking underground storage tanks (LUSTs);
- Superfund;
- Resource Conservation and Recovery Act (RCRA) hazardous waste closures and corrective actions;
- state enforcement;
- voluntary cleanup actions under the state's comprehensive "spill law"; and
- outreach and training.

The following report summarizes how the WDNR has effectively used the s. 128(a) grant money to enhance the state response programs and public records requirements.

In September 2004, EPA awarded WDNR \$1,242,807 in Section 128(a) funding for the period September 1, 2004 through August 31, 2005. This brings the total two year funding up to \$2,438,050. Grant Financial Status Reports (FSRs) indicate that WDNR has fully earned its Section 128(a) State Response Program grant. WDNR had earned \$2,463,000 in Section 128(a) eligible costs as of June 30, 2005, thereby over earning the grant by about \$25,000. Additionally, during July and August 2005, WDNR expected to earn at least another \$200,000 in Section 128(a) grant eligible costs.

This Report includes information on the following:

1. Accomplishments overview (page 1)
2. Public record requirements (page 3)
3. Timely inventory and survey (page 5)
4. Oversight and enforcement activities (page 7)
5. Mechanisms and resources for public participation (page 10)
6. Mechanisms for approval of cleanup plans, verification and certification (page 14), and
7. Deliverables and products created over the time period:
 - Summary of brownfields outreach accomplishments
 - Waterfront revitalization financial resources
 - Compendium of publications developed

Accomplishments

In the past twelve months approved 484 cleanups of contaminated properties.

That number raised the total of approved cleanups to more than 13,500.

Program staff also:

- helped 95% or more of the cleanups undertaken by responsible parties proceed without enforcement;
- responded to nearly 100 requests for detailed, fee-based technical reviews; and
- worked with hundreds of inactive responsible parties resuming site investigation and cleanup activities.

Provided Assistance Through Start-up Site Assessment Grants For Brownfields.

In early January 2005, the RR Program awarded 45 Site Assessment Grants (SAG) totaling approximately \$1.7 million to 31 communities across the state. Small grants up to \$30,000 made up 36 of the awards, while nine were large grants between \$30,001 and \$100,000. Local governments also pledged more than \$900,000 in additional funds for the projects, well beyond the 20% match required through the application process.



The grants will provide funds for environmental activities on 107 acres of land. Activities include 128 site assessments and investigations, the demolition of 63 buildings or structures and the removal of 87 tanks, drums and other abandoned containers. Since 2000, 257 grants have been awarded to 134 communities around the state for work on 850 acres of land.

Helped Prevent and Control Toxic Spills. The RR Program partnered with state and local emergency responders at more than 300 hazardous substance spills and helped avoid hundreds of other spills through education and prevention efforts.

Provided State-Funded Response at Orphan Sites. When a responsible party is unknown, unable or unwilling to conduct environmental restoration, the RR Program protects human health and the environment with a state-funded cleanup. In 2005, the Program spent \$3.5 million in Environmental Fund dollars to initiate or continue environmental cleanup actions at approximately 62 locations where groundwater contamination is known or suspected. The Program also recovered \$2.1 million in state expenses that had been used to address contamination, where responsible parties would not proceed with investigation or cleanup.



Partnered with local officials to net \$400,000 brownfield grant for 30th St. Corridor work in Milwaukee. The WDNR, in partnership with the city of Milwaukee and the 30th Street Industrial Corridor Corporation, applied for and received two EPA Brownfield Site Assessment Grants - a \$200,000 grant for hazardous substances and another \$200,000 for petroleum contamination. The partnership group is the first created by Governor Jim Doyle's Urban Reinvestment initiative, part of

Conserve Wisconsin, which will assist with redevelopment in economically and environmentally distressed areas of the state.

Provided Accessible and In-Depth Public Information. Program staff continued to improve one of the nation's most comprehensive web sites on environmental contamination, investigation, cleanup, liability, redevelopment and financial aid, averaging approximately 90,000 web hits every month. The RR Program also maintains records on thousands of active investigations and cleanups of contaminated properties in an Internet-accessible format. In addition, Program staff attended more than 60 meetings with local officials to provide assistance on cleanup and redevelopment of contaminated properties.



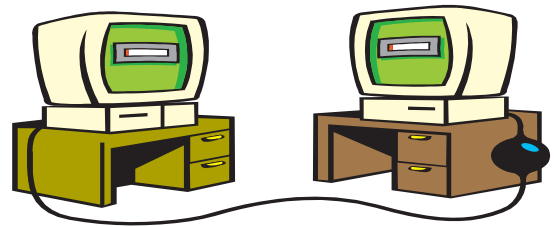
Public Record Requirement

The WDNR has one of the nation's most comprehensive web pages, <http://dnr.wi.gov/org/aw/rr/>, with site-specific and general program information available to the public. It includes two site-specific, on-line databases. The first database is our public record of all known, hazardous substance spill sites that have been reported to the state. Information contained on each property includes: (1) name of responsible party; (2) address; (3) type of contamination; (4) listing of major cleanup milestones, and (5) other relevant site data. The second database records Closed Remediation sites in a computerized registry. Through this registry, users can find properties in which they may be interested by using an interactive map of the state, zooming in and out to find a location of interest.

The WDNR has used the s. 128(a) funds to continue supporting our web staff to ensure that our site-specific and program information is updated on a regular basis. In addition, the WDNR has upgraded its web-based public record using these funds, especially in the area of tracking institutional controls at all cleanups and which properties have Superfund implications.

Brownfields in Wisconsin

- Estimated 10,000 abandoned, underused properties
- 5,370 known contamination sites:
 - 2,925 Leaking Underground Storage Tanks
 - 2,307 Non-Petroleum Sites
 - 138 Voluntary Party Liability Exemption Sites



Major Improvements to On-line Database of Contaminated Properties

The RR Program has significantly upgraded our Bureau for Remediation and Redevelopment Tracking System (BRRTS) state-wide database of over 60,000 entries regarding contaminated properties. The improvements will make it easier for the public, elected officials, lenders, realtors, and anyone with Internet access to search our BRRTS on the Web, also known as BOTW, database 24 hours a day. The improvements include:

- an enhanced search engine;
- a new way to view all activities at a single location;
- easy identification of the current status of each cleanup activity;
- a new pop-up feature that provides definitions and helpful explanations;
- new search accuracy "indicators," to inform users how often and how consistently WDNR staff entered certain pieces of information into the database;
- a new link directly to the Program's GIS Registry of Closed Remediation Sites; and
- new "fuzzy" searching to help users find activities, even when they are not sure of the exact name or address; by simply typing in a word - such as "Jones" or "Main" - and letting the search engine do the rest.

The quality control and visual editing of the improved BRRTS was paid for by 128(a) grant funds while the 500 hours of programming time was paid for by the Wisconsin Department of Natural Resources. The on-line system is at <http://botw.dnr.state.wi.us/botw/Welcome.do>

Table: Public Records Requirements

	1st Half Numbers	2nd Half Numbers	Year-End Numbers
# of web hits to site/property databses	19,320	19,067	38, 387 (3,000)*
# of active sites in database	5,597	5,370	X
ERP	2,356	2307	X
LUST	3,101	2925	X
VPLE	140	138	X
# of cleanups approved by WDNR in FYO5	226	256	482 (350)

* Numbers is parentheses are 128(a) year end target numbers for FYO5

Timely Inventory and Survey

The WDNR is using a portion of its s. 128(a) funds to survey and inventory the universe of contaminated sites in the state. In particular, the s. 128(a) funds are being used to:

- continue WDNR's efforts to evaluate its historic list of disposal sites, including streamlining the evaluation process and putting the sites with documented hazardous substance discharges on BRRTS;
- develop a more proactive approach to discovering brownfield properties; and
- support staff who coordinate the efforts of our part-time, state-funded employees who geo-locate contaminated properties.

1. Evaluation/Screening of Historic Disposal Sites

The WDNR is conducting a timely survey and inventory of properties listed on the WDNR's historic "Registry of Waste Disposal Sites." This document is a comprehensive listing of over 4,000 sites where solid or hazardous wastes have been or may have been deposited. The end product of this effort will be to assist the public in making informed land-use decisions, such as those involving property transactions, and private and public well location choices. The data will ultimately be put on the Program's web site in a searchable and interactive format. In addition, for those properties where there has been a discharge of a hazardous substance, those sites will be added to BRRTS. A new BRRTS code was added to identify which existing sites in BRRTS have been evaluated using this process. This effort is analogous to EPA's effort to reassess CERCLIS (i.e., a list of sites), by actively evaluating or archiving the sites.

2. Proactive Site Discovery Program

The WDNR prepared a draft proposal for implementing a Proactive Site Discovery Program and presented it to the RR Management Team in July, 2004. The proposal was approved with several minor modifications. As approved, WDNR's Proactive Site Discovery Program consists of:

1. Utilizing our Site Assessment Grant and Green Space Grant Programs as a mechanism for communities to identify and notify the WDNR of contaminated properties. In addition, work cooperatively with communities to help them apply for EPA Brownfields Site Assessment Grants and to ensure that newly discovered site are ultimately included in our tracking system.

2. Implementing an outreach effort aimed at the statewide dry cleaning industry and other groups, such as municipalities, strip mall owners and other business associations.

The purpose of the outreach is to identify dry cleaners that may be eligible for the dry cleaner reimbursement program. This effort has identified new dry cleaner cases that will be included on our tracking system.

3. Developing a tracking system in BRRTS for situations where the source of contamination can not be immediately identified. Creating a specific tracking effort will help us to evaluate potential sources and proactively identify additional contaminated sites in the future.

4. Continuing a process to evaluate groundwater-monitoring data for existing solid waste landfills. When these evaluations confirm a release, the site is entered into our tracking system.



All of these proactively discovered sites are being entered into our statewide tracking database (BRRTS), which is on our web page and accessible to the public. While we are not able to separate out the number of proactively discovered sites, we are continuing to report the number of new contaminated properties discovered.

3. *Coordination of Geo-location Efforts in the Fields*

In addition, the WDNR is undertaking a long-term initiative to geo-locate all contaminated properties and historic disposal sites in the state. The state will provide this information to the public through its web site. EPA is funding the overall coordination of this effort, while the state is funding the staff who collect the property-specific data.



Table: Timely Inventory & Survey of Sites

	1st Half Numbers	2nd Half Numbers	Year-End Numbers
# of properties geo-located	1,966	1,588*	3,554 (1,500)
# of registry properties screened	224	324	548 (200)
# of new properties discovered	220	175	395 (175)
# of staff hours per screen/geo-location	<ul style="list-style-type: none"> • 1.23 hrs per geo-location • 15.1 hrs per screen 	<ul style="list-style-type: none"> • 1.5 hrs per geo-location • 13.4 hrs per screen 	X

* This includes 2,645 newly located sites and another 909 sites where the original location has been updated.

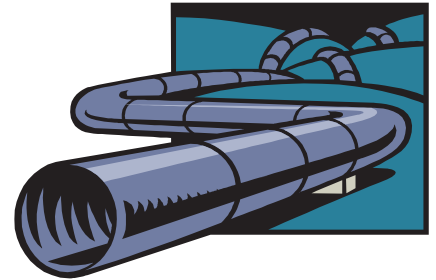
Oversight and Enforcement Activities

The WDNR is using a portion of its s. 128(a) funds to enhance several oversight or enforcement activities in the state. In particular, the s. 128(a) funds are being used to:

- accelerate the number of active sites making progress in the WDNR cleanup pipeline;
- continue to implement an institutional control audit function;
- develop a One Clean-up Program Memorandum of Agreement; and
- implement other activities as specified below.

1. Pipeline Acceleration Initiative

The WDNR established an initiative to accelerate the number of cleanups at sites in WDNR's database. Over a five-year period, the WDNR hopes to "encourage" approximately 2,250 sites to start or finish clean-up activities. Sites which fall under this initiative are those that have not made documented progress within a specified period of time. We defined "no documented progress" as situations where an action code has not been entered into BRRTS in the last two years. An action code represents an activity taken by either the responsible party (i.e., site investigation report submitted) or by WDNR (i.e. remedial action plan approved). While the lack of an action code doesn't always signify that progress has stalled, it is typically a good indication that some follow-up action is necessary. The agency has been specifically targeting those sites where an action code has not been entered for many years.



As of September 1, 2005, there were 1,979 sites that had not had an action code entered in our tracking system in the last two years or more. The following table shows the number of sites where an action code has not been entered since January 1st of the year listed. As the table illustrates, steady progress has been made by WDNR to reduce the number of sites where "no documented progress" has been made for two years or more. Using 2002 as the baseline year, the number of sites in the no progress for two or more years category was reduced by 474 sites. Of the 474 sites, 87 were sites where no progress has been made for more than 10 years.

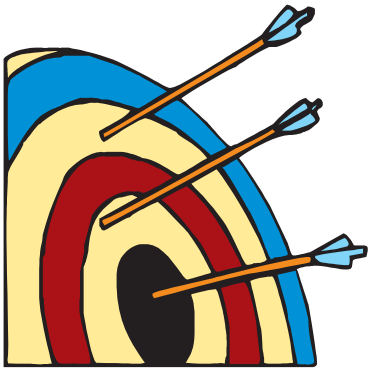
Table: Pipeline Acceleration Data

YEAR OF LAST BRRTS ACTION	SITE PROGRESS STATUS - QUERIED ON THESE DATES			
	Sept 2004	March 2005	Aug 2005	SITES MOVING AGAIN
1986	89 Sites	73	66	23
1990	132 Sites	120	111	21
1994	305 Sites	252	218	87
1998	604 Sites	499	426	178
2002	1,729	1,427	1,255	474 Sites Restarted

In order to provide a more accurate method for tracking our progress, WDNR created a new BRRS action code in January 2004. Data is now entered into our BRRS system under “push actions” when we take an action to get the cleanup moving forward. Between September 2004 and February 2005 we completed at least 95 “push actions” to get sites moving forward and then completed another 137 “push actions” during the 2nd half of the year.

Table: Pipeline Acceleration Initiative

	1st Half Numbers	2nd Half Numbers	Year-End Numbers
# of sites targeted for accelerate/categories	95 “push actions”	137	232 (125)



2. Limited Audit of Institutional Controls

The WDNR developed a process to audit sites closed with institutional controls (ICs). The purpose of the audits is to evaluate the site for compliance with the conditions set at the time the no further action (i.e., closure) determination was made, to ensure those actions are effective.

The agency’s IC audit initiative consists of a file review, a site owner interview, site visit and a summary of results. Our database is used to track

the number of reviews completed and whether follow-up action is needed for a site based on the review.

The WDNR completed 52 IC audits during the last year with an average staff time of 10.6 hours per audit. Of the 52 inspections conducted, 10 of the sites require follow-up action by WDNR, leaving an 80% “in compliance” rate at audited sites. The types of follow-up actions that are necessary include:

1. annual cap inspection was not performed or documented;
2. cap repair or maintenance;
3. cap removed but no responsible party required investigation performed;
4. removal of cap along with some contaminated soil but no disposal documentation was provided; and
5. issues related to the deed restriction including errors in the deed language on file.

3. One Cleanup Program Memorandum of Agreement (MOA)

The One Cleanup Program (OCP) is an EPA initiative begun in 2003 to encourage and improve cooperation among EPA cleanup programs and states, local agencies, and stakeholders. Progress on completion of the document has been slow in 2005, despite support expressed by several programs. However, agreement has not been reached. By the end of the calendar year, WDNR expects to either have the signed MOA or to withdraw from the effort.

On April 7, Region 5 staff met with WDNR at the DNR regional office in Sturtevant to go over comments from EPA headquarters. Region 5 staff then incorporated most of the EPA comments in a draft document that was sent to WDNR on July 11. The current draft contains nine pages and a four-page appendix that describes the coordinated Toxic Substances Control Act (TSCA) review and approval process. A cover letter will contain additional information about the MOA and appendix.

One key area that remains to be resolved is the applicability of the MOA to those facilities with federally-issued RCRA operating permits. The WDNR wants these facilities to be included. The drafting process is at a standstill until language covering this issue can be drafted to satisfy both parties. On September 28, WDNR received proposed language from EPA Region 5 that is intended to try to resolve the outstanding RCRA issue. WDNR is currently reviewing the language to determine the proposal's acceptability.



If the proposed agreement is completed, the MOA will clarify the roles and responsibilities of the state and EPA under three major federal cleanup laws: RCRA Subtitles C and I; the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA ,or Superfund) and TSCA. The Program embodies this unified cleanup approach to the extent that state authority is available. The discontinuities between WDNR programs and the use of federal authorities by EPA have been repeatedly identified by the Brownfields Study Group, a Wisconsin advisory task force (see page 11) as a significant impediment to remediation and redevelopment.

Mechanisms and Resources for Public Participation

The WDNR continues to enhance its public outreach capacities by funding staff to:

- develop outreach materials, such as newsletters, brochures, electronic mailings;
- maintain the RR program's comprehensive web pages;
- coordinate green team meetings with communities and other interested parties, public presentations, marketing of grants, and other types of meetings;
- fund five part-time staff to complete outreach work in communities throughout Wisconsin;
- coordinate the meetings and work activities of the Wisconsin Brownfields Study Group; and
- administer WDNR's brownfields initiatives, such as support for EPA's Subtitle A Brownfields grants, associated with the aforementioned activities.

The following data and narrative provide an update to what has been accomplished in the first six months of implementing the s. 128(a) activities.

1. Public Outreach Activities

Brownfields regional outreach staff held more than 60 meetings and/or gave presentations to key brownfields audiences, including local government officials, community organizations, environmental consultants and attorneys and other interested publics.



These audiences included (but were not limited to) local officials from Bayfield, Calumet, Door, Douglas, Outagamie, Polk, Washburn and Winnebago counties; from the villages of Ashwaubenon, Denmark, Spooner and Turtle Lake; from the towns of Berlin, Henrietta, Pleasant Prairie, Wabeno, Westford and Willow; and officials from the cities of Appleton, Ashland, Dodgeville, Eau Claire, Green Bay, Kaukauna, La Crosse, Mauston, Milwaukee, Mineral Point, Neenah, Neilsville, St. Francis, Sturgeon Bay, Superior and Wausau.

Also, on April 13, 2005, brownfields staff partnered with the Great Lakes Commission, the Wisconsin departments of Administration and Commerce, and several non-profit organizations in holding the Wisconsin Waterfront Revitalization Conference at the Blue Harbor Resort in Sheboygan, the location of the former C. Reiss Coal brownfield site.

Due to the critical need for improved waterfront community awareness and use of existing state and federal programs available to assist with waterfront community revitalization, state agency and non-profit partners designed the conference to: maximize the use of existing urban redevelopment programs; maximize existing programs geared toward the protection of open space and other natural features; and maximize the linkages between the two by promoting the development of teams and partnerships.

Due to a better-than-anticipated turnout, the conference was attended by an over-flowing crowd of more than 190 participants, including representatives from urban redevelopment; open space and coastal/water resource protection; community planning, land trusts and conservancies; consulting agencies; directors of key organizations, and federal, state and local officials.

Staff have also met with/presented to officials with the A-Team Realty, Amery Redevelopment Commission, Ayres Associates, Becher-Hoppe Associates, Coldwell-Banker-Brenzier realtors, Juneau County Economic Development administrators, the Green Bay Kiwanis Club, MJSI consultants, Merkel Company, the National Park Service, the Northwest Wisconsin Regional Planning Commission, Onyx consultants, Richland County Planning Commission, Sigma consultants, STS Consultants, the Wisconsin County Treasurers' Association, and the Wisconsin Natural Resources Board (NRB).

Other public participation/outreach activities by staff include:

- outreach on the new DNR's on-line database system for contaminated properties (*BRRTS on the Web*) and the GIS Registry for BRRTS properties with residual contamination; outreach included a news release to 500 media outlets in Wisconsin and the Midwest; targeted outreach to state legislators, state local government and regional businesses organizations and other state and local entities;
- continuing our partnership with local officials and Milwaukee's 30th Street Industrial Corridor organization on the implementation of EPA's \$400,000 Brownfields Site Assessment Grant in this economically distressed area;
- creating new web pages on brownfield success stories, initially highlighting 25 properties involving the RR Program;
- working with smartgrowth advocates and city planners in the west central region of the state on redevelopment issues;
- attending EPA sponsored events including the Midwest Summit on Sustainable Redevelopment of Brownfields August 30 - Sept 1, 2005 in Rock Island, IL and the Anatomy of a Real Estate Development August 23-24, 2005 in Kansas City;
- presenting brownfields information at Earth Day events around Wisconsin;
- conducting two quarterly meetings with private consultants in the RR Program's Technical Focus Group and held smaller consultant "listening sessions" in various parts of the state;
- submitting nine success stories about brownfields, which have been used in program newsletters, the program web site and for various time-critical outreach materials delivered to key brownfields audiences; and
- writing articles for state-wide and local publications, newspapers and association newsletters, and served as a brownfields educational resource for various universities and technical colleges.

The Contaminated Land database (includes *BRRTS on the Web* and GIS Registry) web pages continue to be some of the most requested web pages in the RR Program. Our *BRRTS on the Web* page consistently scores in the top five most requested program web pages.

The WDNR has produced the following outreach materials: *Re News*, a quarterly hard-copy newsletter, in June and September; 14 listserv's (the Program's electronic newsletter); and 12 new and 14 updated publications dealing with successful brownfields redevelopment, development on historic fill sites, Green Space and SAG grants, contaminated property databases, voluntary cleanup liability exemptions, negotiated agreements, and off-site contamination.

2. Brownfields Study Group

The Brownfields Study Group, a non-partisan advisory task force established by the State Legislature in 1998, continues to meet and identify policy, fiscal and legal improvements in Wisconsin's brownfields initiatives, under the facilitation of the DNR's brownfields staff.

After hosting two subgroup meetings in late fall, 2004, the Study Group assembled - with assistance from WDNR staff - recommendations for the 2005-2007 State Biennial Budget. During the full Study Group meeting September 30th, members approved the subgroup's findings and approved proposed legislative and budget initiatives.

During the state budget debate in early 2005, several Study Group members wrote their legislators, not only urging the support of their brownfield recommendations, but also the continued funding of several state brownfield initiatives, including the DNR's Brownfields Site Assessment Grants (SAGs) and the Department of Commerce's Brownfields Grants.



On March 30th, the full Study Group met again and discussed the state budget, legislation and the following issues:

- DNR's Green Tier program and its application to brownfields;
- what's new with the state's Chapter 30 water permits as it relates to regulating shoreland redevelopment;
- other critical waterfront issues for cleanup and reuse of brownfields;
- the state's new brownfields insurance program; and
- updates on DNR's Site Assessment Grants, Green Space Grants and the Department of Commerce's Brownfields Grants.

The Study Group also discussed other topics, including the Supreme Court Decision regarding the Aviall case; the One Cleanup Program MOA with EPA; progress on implementing the DNR's new \$4 million Revolving Loan Fund from EPA, and a new Wisconsin chapter of the National Brownfields Association.

Study Group members continue to work with legislators on their proposed changes to Wisconsin's brownfields initiatives. A Study Group meeting is tentatively scheduled for late fall, 2005.

4. EPA Grant Support Letters

RR Program made site eligibility determinations for two properties in Wisconsin communities that hold federal brownfields petroleum assessment grants.

Table: Public Outreach Accomplishments

	1st Half Numbers	2nd Half Numbers	Year-End Numbers
# of Brownfields Grants <ul style="list-style-type: none"> Assessments Cleanup 	<ul style="list-style-type: none"> Reviewed 76 State Assessment Grant Applications 	<ul style="list-style-type: none"> Awarded 45 State Assessment Grants 	<ul style="list-style-type: none"> 45 State Assessment Grants (100) 0 Cleanup Grants* (10)
# of Redevelopment Meetings	50+	60+	110+ (100)
# of Workshops, Trainings, etc.	<ul style="list-style-type: none"> 4 	<ul style="list-style-type: none"> 1 	<ul style="list-style-type: none"> 5 (5)
# of Publications, Newsletters, etc.	<ul style="list-style-type: none"> 3 Publications 2 Paper Newsletters 16 Electronic Newsletters 	<ul style="list-style-type: none"> 12 Publications 2 Paper Newsletters 14 Electronic Newsletters 	<ul style="list-style-type: none"> 15 Publications (15) 4 Paper Newsletters 30 Electronic Newsletters
EPA Grant Support Letters	15	0	15 (25)

* Due to state budget reductions, there was no money appropriated for the state brownfields cleanup grants for this fiscal year.

Mechanism for Approval of Cleanup Plans, Verification and Certification

The WDNR is utilizing its own state funds to satisfy this element of a state response program. The WDNR's work efforts resulted in the following accomplishments.

Table: State Funded Activities

	1st Half Numbers	2nd Half Numbers	Year-End Numbers
# Completed Cleanups (closure) Letters	226	500	726 (500)
# Certificates of Completion	3	7	10 (10)
# Liability Clarification Letters/Exemptions	41	53	94 (50)